

July 23, 2002

Pres. Evelyn Janney  
Floyd County Farm Bureau  
335 East Oxford Street  
Floyd, VA 24091

*Re. Draft TMDL Development for Dodd Creek, VA  
By Louis Berger Group, Inc. for VA DEQ and VA DCR*

Dear Ms. Janney:

Thank you for your letter regarding the Dodd Creek TMDL Study. The Farm Bureau has represented the agricultural community in every public meeting and DEQ appreciates their contributions to the TMDL process. DEQ acknowledges the important contributions that agriculture makes to Virginia's economy and the legitimate use of state water for agricultural purposes.

Once the Dodd Creek TMDL is completed, I will send you a copy of the report. There were many questions in the letter you sent to DEQ and I have attempted to provide detailed answers to each of these concerns. Please contact me at (540)-562-6724 if there are anymore questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason R. Hill". The signature is fluid and cursive, with the first name "Jason" being the most prominent.

Jason R. Hill  
Regional TMDL Coordinator

cc: Bill Keeling, Department of Conservation and Recreation  
Dave Lazarus, Department of Environmental Quality

**Question: Why was Tinker Creek used to develop a watershed model for Dodd Creek?**

**Answer:** Dr. El Farhan needed continuous stream flow data in order set-up and calibrate the watershed model. This data was not available for Dodd Creek, so Dr. El Farhan searched for other watersheds, which had stream flow data in the area, that were similar to the Dodd Creek watershed. These other watersheds include Wilson Creek, Tinker Creek, Crab Creek, Chestnut Creek, and Smith River. In the end, Dr. El Farhan decided the Tinker Creek watershed was the most similar watershed in the area based on size, land use, elevation, precipitation, soils, and geography. This paired watershed approach was the most accurate method for Dr. El Farhan to obtain the stream flow data necessary for model development on Dodd Creek. While Dr. El Farhan used the paired watershed approach to set up a hydrologically valid model, it is important to remember that he used water quality data from Dodd Creek to calculate load allocations.

**Comment: The monitoring stations located in the upper watershed were located in areas where very little livestock was present, yet fecal coliform levels are high.**

**Answer:** There are two DEQ monitoring stations located in the upper watershed. Station 9-DDW004.02 is located off Spring Dale Road (SR 714) bridge and Station 9-DDD008.20 is located off Wood Gap Road (SR 710) bridge. These stations were last monitored two years ago. According to monitoring personal, these monitoring stations are located in areas surrounded by pasture. If any agricultural operations are no longer present around these monitoring stations, it will be noted during future monitoring efforts.

**Comment: According to an article that appeared in USA Today, dog waste is “third or fourth on the list of contributors to bacteria in contaminated waters.”**

**Answer:** DEQ realizes that pet waste contribute a significant amount of fecal coliform bacteria to watersheds, especially in urban areas. Dr. El Farhan included pet fecal coliform loads in the TMDL report. The details can be found in the draft report in section 3.5.8 on page 3-28.

**Question: Why is agriculture being held to higher standard (than wildlife)?**

**Answer:** Wildlife populations do contribute to fecal coliform bacteria loading in the Dodd Creek watershed. However, reducing wildlife or changing a natural background condition is not the intended goal of the TMDL. After demonstrating that the source of fecal contamination *is natural and uncontrollable by effluent limitations and BMPs*, the state may decide to re-designate the stream's use for secondary contact recreation or to adopt site-specific criteria based on natural background levels of fecal coliforms. The state must demonstrate to the EPA that the source of fecal contamination is *natural and uncontrollable by effluent limitations and BMPs* through a Use Attainability Analysis (UAA). All site-specific criteria or designated use changes must be adopted as amendments to the water quality standards regulations. Watershed stakeholders and EPA will be able to provide comment during this process.

**Question: I am concerned this TMDL could put some (farmers) completely out of business.**

**Answer:** The purpose of the TMDL Study is to identify sources of fecal coliform reaching Dodd Creek and to identify reductions of sources necessary to achieve Water Quality Standards for fecal coliform bacteria. It is recognized that any agricultural operation is a very challenging enterprise in today's economy, but agricultural economics are beyond the scope of the TMDL Study. It is hoped that by providing technical and financial assistance to implement BMPs, producers will install BMPs to assist in meeting the water quality objectives identified in the TMDL Study. Participation by producers is voluntary.

**Question: Who will pay for the fencing to keep cows out the stream?**

**Answer:** DCR presented several sources of funding during the last public meeting. These sources of funding include the Conservation Reserve Enhancement Program (CREP), USEPA 319 grant money distributed by DCR, and DEQ's Revolving Loan Fund.

**Question: Who will maintain the fences that keep cows out of the stream?**

**Answer:** Landowner will be responsible for maintaining fences to keep the cows from entering the stream until the riparian buffer zone is established. Other benefits of riparian buffer zones at the last meeting such as increased flood protection, decreased stream bank erosion and filtration of pollutants from runoff.

**Question: How long before we are forced to fence our streams?**

**Response:** It is difficult to predict future policies. Currently, state or federal law does not require TMDL implementation participation by agricultural producers. EPA could assume authority of the non-point source pollution programs if 'significant' improvements are not seen in water quality limited streams.

**Question: How will the wildlife deposition change when everything is fenced out of the stream but wildlife?**

**Answer:** We do not know all the consequences of stream fencing because TMDLs are still in the early stages of development. The wetlands and riparian buffer zones that develop in the watershed will protect downstream users from pollution generated here.

**Comment: The wildlife numbers were increased (in the model) but are still not high enough considering the amount on Federal land and the areas close to it.**

**Answer:** Virginia Department of Game and Inland Fisheries biologists provided the estimates of animal populations. Several stakeholders indicated the deer and turkey population numbers were too low, and the muskrat and beaver populations were too high. They asked for information on how the numbers were determined, noting their belief that the Virginia Department of Game and Inland Fisheries estimates of deer populations for Floyd County were too low. Dr. El Farhan re-evaluated wildlife population numbers based on the comments provided during the public meetings.